

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

United States of America,

Plaintiff, Case No. 22-cr-20110

v.

Judith E. Levy
United States District Judge

Reginald Hitchcock,

Mag. Judge David R. Grand
Defendant.

/

**ORDER GRANTING DEFENDANT'S
MOTION TO ADJOURN TRIAL [60]**

Before the Court is Defendant Reginald Hitchcock's motion to adjourn the jury trial currently set for December 12, 2023. (ECF No. 60.) The government filed a response opposing Defendant's motion. (ECF No. 61.)

Under the Speedy Trial Act, criminal cases in which defendants plead not guilty must be tried "within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which [the] charge is pending, whichever date last occurs." 18 U.S.C.

§ 3161(c)(1). Courts may grant—at the request of defense counsel or counsel for the government—a continuance resulting in a period of excludable delay upon finding “that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A). In evaluating whether to grant such a continuance, courts must consider, among other factors, “[w]hether the failure to grant [the] . . . continuance . . . would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” 18 U.S.C. § 3161(h)(7)(B)(iv).

In support of his motion, Defendant indicates that he requests an adjournment of the trial date because his

current counsel Christopher W. Quinn, II is still reviewing the voluminous discovery in this matter. Additionally, Defendant’s Investigator’s ability to enter Milan FCI has been delayed due to prison policies and only recently has Defendant’s investigator received clearance to enter Milan FCI. Finally, Defendant has expressed an interest in filing several motions that will require an extensive amount of time to review the facts and law to determine which motions are appropriate.

(ECF No. 60, PageID.407.) Defendant states that an adjournment “will permit Defendant’s counsel time to effectively present to the court issues

of law and facts that need to be addressed prior to trial." (*Id.*) The Court notes that Mr. Quinn was appointed to represent Defendant on July 21, 2023.

The Court finds that the ends of justice served by granting an adjournment outweigh the best interests of the public and Defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). In light of Defendant's assertion that his attorney needs time to carry out certain pretrial obligations—including reviewing discovery—the Court concludes that declining to grant a continuance would deny Defendant's counsel the reasonable time necessary for effective preparation. Moreover, there is no indication of a lack of due diligence on defense counsel's part.

Accordingly, Defendant's motion to adjourn the jury trial currently set for December 12, 2023 (ECF No. 60) is GRANTED. The plea cutoff/final pretrial conference is now scheduled for December 13, 2023 at 1:00 p.m., and the jury trial is now scheduled for January 10, 2024 at 8:30 a.m. For the reasons stated above, the time from December 12, 2023 to January 10, 2024 constitutes excludable delay.

IT IS SO ORDERED.

Dated: November 27, 2023
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY

United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 27, 2023.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager